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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON – PORTLAND DIVISION

DORA DOBY,

Plaintiff,

v.

SISTERS OF ST. MARY OF OREGON MINISTRIES CORPORATION, a domestic non-profit corporation; **SISTERS OF ST. MARY OF OREGON LITTLE FLOWER DEVELOPMENT CENTER**, a domestic non-profit corporation *abn* **VALLEY CATHOLIC EARLY LEARNING SCHOOL** and *abn* **VALLEY CATHOLIC SCHOOL** and *abn* **LITTLE FLOWER DEVELOPMENT CENTER**,

Defendants.

Case No.: 3:13-cv-977-ST

PLAINTIFF'S PROPOSED VOIR DIRE

Plaintiff requests the court to query the jury on the following issues:

Informational and background issues:

1. Demographics:
 - a. Ever married?
 - b. Any children?

- c. Did your children go to public school or private school?
- d. Did anyone in your family ever require special assistance in school? If the child's needs were identified at school, who raised the initial concerns or questions to look into on behalf of the child?
2. Do you or anyone in your family work in a school? What role?
3. Do you or has anyone close to you ever worked in a preschool?
4. Did you or anyone in your family ever advocate for children? In what ways?
5. Have you or anyone in your family been involved in a lawsuit, administrative complaint, human rights complaint, EEOC complaint, workers compensation complaint, unemployment complaint, or any other type of claim on either side regarding a claim of any kind involving employment related matters? If so, please explain the circumstances.
6. Have you or a close family member ever owned your own business? What is or was the nature of the business? Have you or a close family member ever been a supervisor or manager of other employees? How many employees?
7. Have you or anyone in your family ever been accused of violating anyone's civil rights? If so, please explain the circumstances?
8. Have you ever had any training, education or experience in the field of human resources or personnel management? Do you have experience in handling matters concerning employees who have disabilities or other mental health conditions?
9. Have you ever been involved in the investigation of an employee complaint regarding harassment? If so, what was your part in the investigation?
10. Have you or anyone you know ever been accused of violating a civil rights law?
11. What groups, associations, unions or clubs do you belong to?

12. Does your free time include any volunteer work?
13. Do you have any philosophical, political or religious beliefs that affect your ability to be a neutral or impartial juror in the case as just described?
14. Are you active in religious activities? Are you moderately active? Very active? Religious but not in an organized religion? Not religious?
15. How do you feel about people who place value on their religious community?

Raising concerns or reporting the belief of unlawful behavior:

16. Have you ever opposed or reported what you thought was unlawful to management in the work place?
17. Has anyone close to you ever opposed or reported a practice or procedure in the work place? What happened? How did the employer respond?
18. Have you or anyone you know ever been a victim of discrimination based upon her whistleblowing? How was that situation handled by the person discriminated against?

Harassment:

19. Have you ever been bullied or harassed?
20. Have you known anyone who is an instigator or bully, who provokes or harasses someone when they find a weakness? Did you form any opinions as to why the person did it?
21. Have you ever requested that someone stop a certain behavior that bothered you, and they continued? How did you respond?

Mental health and disability

22. Does anyone have any thoughts or notions about impairments and that if you cannot see a mental health condition it must not exist?
23. Do you or anyone in your family have a mental health condition?

24. Do you or does someone close to you have a mental health condition and have intermittent leave or other accommodation at their place of employment? If so, please explain how that is working? Any embarrassment or stigmatization in disclosing the mental health condition to the employer?
25. Do you believe discrimination on the basis of a mental health condition happens? Why or why not?
26. Do you believe discrimination occurs on the basis of disability? Do you believe sometimes discrimination based upon one's disability is ever justified?
27. What are your feelings about the law protecting individuals with disabilities in the work place?
28. Do you believe the law protects too much? Do you believe the law should provide more protection for individuals with disabilities? Why?
29. Do you think the law's protections should distinguish between mental health and physical health conditions? What are your feelings that the law protecting mental health disabilities?
30. In your opinion how serious a problem is disability discrimination? Very serious, somewhat serious, or not at all serious?
31. Do you believe that management in a company has a duty to not discriminate against individuals based upon their disability? Why or why not?

Mental Health Therapist and Self Care

32. Have you or has anyone close to you found benefits through a mental health professional of any kind? Do you think that it was helpful? Did the person find it helpful? What about it made it helpful or harmful?

33. Have you or has anyone close to you managed anxiety or any mental health condition not with professional therapist but instead with family support, clergy or other self-care methods?
34. Has anyone here after an injury received physical therapy learned helpful exercises, and then when say your back is aggravated again instead of going back to the doctor's office or physical therapist done their own self care?
35. Do you think seeking professional mental health care is evidence of weakness? Do you think not seeking professional mental health care is evidence of weakness?

Obsessive Compulsive Disorder

36. Do you know anyone who has Obsessive Compulsive Disorder (OCD)?
37. The mental health condition of Ms. Doby is often the subject of poor humor, do you have any thoughts about whether someone with OCD is scary?
38. Do you have any preconceived thoughts that people who suffer from OCD have a propensity to harm others?
39. Does anyone have difficulty making decisions or take some action until they get enough information and need enough time to process before making a decision? Does anyone ever experience anxiety when feeling rushed? Does anyone ever experience stress or some emotional discomfort when you are being faced to make a decision or take some action, but you feel you lack the necessary information?
40. Does anyone believe that because a person suffers from obsessive compulsive disorder that they necessarily may not be safe in the workplace?

41. Do you believe many individuals with anxiety disorders are self-aware of what causes them more anxiety? Do you have any strongly held views that that is not the case?
42. Do you believe that individuals who are self-aware of what causes them anxiety, know how to reduce their anxiety? Do you have any strongly held views that that is not the case?
43. Do you believe that employers ever fish for information about someone mental health conditions when there is not a legitimate reason? Does anyone think that could never happen?

Examinations

44. Do you feel that an employee should have the right to privacy from their employer? In what way? Would you be able to follow the law as it relates to the rights of employees and employers? Do you have any strongly held views on the issues that would prevent you from following the law?
45. Do you think that anytime the “safety of children” is concerned that it trumps all other rights? Why do you feel that way?
46. Do you have concerns about employers abusing their rights to learn information about their employees’ physical and mental health? What concerns do you have?
47. What are your beliefs about when an employer should be allowed to send an employee to get any kind of medical examination? Are those beliefs so strong you would not be able to follow the law if instructed otherwise?
48. Has anyone had experiences with examinations called “independent medical examination,” “defense medical examination,” and examinations required by an insurance company for any reason? Explain? Any thoughts on that experience?

Lawsuits and damages

49. How do you feel about lawsuits claiming discrimination by employers?
50. What immediate feelings or beliefs come to mind about whether such claims are presumptively valid or presumptively invalid?
51. Do you feel that people bring claims against their employers more often for legitimate reasons or more often for improper reasons? Please explain.
52. Do you think that lawsuits go too far in protecting employees? Why or why not?
53. When considering an award for damages for emotional harm, pain and suffering, do you have feelings one way or the other about awarding money damages for emotional distress? Please explain. Are those feelings strong feelings?
54. Having not heard the evidence yet, do you hold a belief now that as a juror you might be able to stop unnecessary lawsuits or on the other hand teach employers or employees/plaintiffs a lesson?
55. Do you believe that you already have a predisposition in favor of one side or the other?
56. Do you feel that people claim discrimination as a way to put the blame on others for their own mistakes?
57. Do you believe that employers should look with more suspicion or caution upon employees with mental health conditions?
58. If it were up to you, would you limit the amount of money a jury could award?
59. Do you feel jury awards in other cases have been too high? If so, what kinds of awards are you aware of that you feel were too high? Why do you feel that way?
60. When I mention pain and suffering, does anyone have a gut reaction that awarding a large amount of money for pain and suffering is ridiculous, outrageous or that it is not a good form of social justice?

61. Do any of you have negative feelings about plaintiff lawyers? That is, lawyers who represent injured people for contingent fees? If so, what are your feelings and why?
62. Identify two people (whose names we would be likely to recognize) who you would call your hero, and tell us why those individuals are heroes to you?
63. Do you belong to any volunteer organizations? If so, to which group(s) do you belong, are you an officer in the organization(s), and how frequently do you attend meetings or functions?
64. If you find the defendants liable in this case, would anyone have difficult awarding money damages to Ms. Doby for emotional distress, humiliation, loss of community, loss of self-esteem and other non-wage loss damages?
65. If you find the defendants liable in this case, would anyone have difficulty awarding money damages that would have to be paid for by defendants because they are religious organizations?

Respectfully submitted,

By: Charese Rohny.
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Of Attorneys for Plaintiff